

The Supreme Court of South Carolina

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CLERK OF COURT

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November 15, 2018

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Charles Bailey v. State
Lower Court Case No. 2017CP1006037
Appellate Case No. 2018-001917

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CHIEF DEPUTY CLERK

cc:
Benjamin Hunter Limbaugh, Esquire
Charles Bailey, 055848

The Supreme Court of South Carolina

Charles Bailey, Petitioner,

v.

State of South Carolina, Respondent.

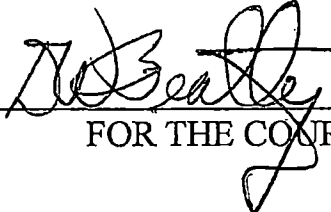
Appellate Case No. 2018-001917

Lower Court Case No. 2017CP1006037

ORDER

The circuit court issued a conditional order of dismissal, which gave petitioner twenty days to show cause why the conditional order should not become final. According to the final order of dismissal, petitioner did not file a response to the conditional order.¹ Petitioner has now served and filed a notice of appeal from the final order.

Where, as here, a PCR applicant fails to file a response to a conditional order of dismissal, this Court has held that the applicant cannot appeal. *Edith v. State*, 369 S.C. 408, 632 S.E.2d 844 (2006). Accordingly, the notice of appeal is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT C.J.

Columbia, South Carolina
October 25, 2018

cc: Benjamin Hunter Limbaugh, Esquire
Mr. Charles Bailey, 055848

¹ While petitioner did not provide a copy of the conditional order of dismissal or the final order of dismissal when he filed the notice of appeal, this Court has obtained a copy of these orders.